

November 9, 2018

Sent Via Facsimile (916) 227-6282

State of California Department of Transportation Division of Engineering Services Office Engineer, MS43 1727 - 30th Street P.O. Box 168041 Sacramento, CA 95816-8041

Attn: Jill Sewell, Office Chief

Re:

BID PROTEST Contract 08-1E4604

Bids Opened 10/31/2018

Dear Ms. Sewell

SEMA Construction, Inc. (SEMA) was the second monetary bidder on the above referenced contract. Please consider this letter as a formal protest in accordance with the California Department of Transportation (Caltrans) contract bid protest specifications for the bid submitted by Autobahn Construction Inc. (Autobahn) on contract 08-1E4604.

Per 2015 Standard Specifications Section 5-1.13 Subcontracting 'Except for building-construction non-federal-aid contract, perform work equaling at least 30 percent of the value of the original total bid with your employees and with equipment you own or rent, with or without operators.'

It is apparent that Autobahn is not performing work equaling at least 30 percent of their \$7,203,276.00 original total bid by review of their subcontractor listing and DBE commitments. Autobahn listed 8 subcontractors with their bid, the combined total of Bid Items listed equals \$5,003,918.00, with all items being listed as being 100% subcontracted. Autobahn will require a minimum of three additional firms to perform the work which fall below the ½ of 1% of the bid threshold for listing or are not required to be listed by listing laws.

Heavy and Highway General Contractors

> 42690 Rio Nedo Suite G

> > Temecula California 92590

(303) 627-2600 Fax: (951) 296-6448



- 1. A fencing subcontract, which is clear from Autobahn's bid values they are subcontracting with Alcorn Fence (see attached Alcorn quote; unit pricing matches identically to Autobahn's bid unit prices on bid items, 46, 47, 48 and 60) for a bid value of \$27,074.00. Additionally, on Autobahn's DBE Commitment they have stated they are using 9 subcontractors on the project furthering the basis that they have at least one subcontractor which did not meet the listing threshold for the project.
- 2. A Surveyor to perform bid Item #43 Pre/Post Construction Surveys with a bid value per Autobahn's bid of \$15,000.00 (this value of work cannot be completed by Autobahn's employees)
- Quality Control firm which cannot be Autobahn's employees per specification for performance of the Quality Control requirements per the specifications of Bid Item #22 Class 2 Aggregate Base. \$10,235.00 (see attached quote from RMA Group)

Our conservative analysis shows a total of \$5,056,227.00 which Autobahn is not performing with their own employees and equipment. \$5,056,227.00/\$7,203,276.00 equals 70.19% of the value of the original total bid being performed with employees and equipment of those other than Autobahn, Autobahn in turn is only performing 29.81% of the original total bid. Since Autobahn failed to comply with a material requirement of the bid they must be found non-responsive.

Additionally, Autobahn had errored in their subcontractor listing of Calmex Engineering, Inc. with California Contractors License Number 685964. The listed License number is Oasis Water Locating and Drilling's License Number. (see attached print out from CSLB website). Autobahn further failed to correct their error within the 24 hours as required by law and as such should be found non-responsive.

Per California Public Contract Code, Chapter 4:

(2) An inadvertent error in listing the California contractor license number or public works contractor registration number provided pursuant to paragraph (1) shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive if the corrected contractor's license number is submitted to the public entity by the prime contractor within 24 hours after the bid opening and provided the corrected contractor's license number corresponds to the submitted name and location for that subcontractor.

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As the lowest responsive responsible bidder SEMA Construction, Inc. stands ready to perform the contract.

For any questions, please contact at your convenience.

Respectfully

Joshua P Clyne Senior Vice President

> Heavy and Highway General Contractors

> > 42690 Rio Nedo Suite G

> > > Temecula California 92590

(303) 627-2600 Fax: (951) 296-6448





ALCORN FENCE COMPANY

P.O. BOX 1279 (92519) /6445 OLD PEDLEY ROAD; RIVERSIDE, CA 92509 T: (951) 685-5871 / (800) 824-8502 FAX: (951) 685-1641

Contractor's License - 122954

CONTACT:		Caltrans 08-1E504								
	Chris Lamb	CONTRAC	TOR:	Prima Bio	Prime Bidder of Record					
E-MAIL	chris@alcomience.com	ATTENTIO	N:							
DATE:	10/31/2018	FAX:								
		R No. 1000		6 EXPIRES: 6/30						
	Plant & Specs: Yes X No			landable: Yes X] No [
	Installed: Yes X No [0.74% (N.T.	E. 24 Months)					
	Tax included: Yes X No			BE/WBE: Yes	No X					
	Union: Yes X No		,	Addendum: 2	of 2 Noted					
	Alcom Fence Company is signatory to Labo	rers and Op	erating	Engineers union						
пем	DESCRIPTION	QUANTITY	U/M	UNIT PRICE	AMOUNT					
48	Chainlink Fence (Type CL-5)	150	TE	87.00	10,050,00					
47	Remove Fence	170	LF	16.00	2,720.00					
48	Reconstruct Fence	32	UF	188,00	6,016.00					
60	Pipe Handralling	37	UF	224.00	8,288.00					
	Note: Alcorn excludes from ecope of work any and ell									
	coring,drilling, or saw cutting of concrete. Post eleeves supplied by Alcorn, placed correctly and									
	cleanout by others.									
			-	TOTAL	\$27,074.00					
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STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
Contract No.: 08-1E4604 Project ID: 0814000026

Bidder Name: Autobahn Construction Inc.

Bidder ID: VC0000006260

BID ITEM LIST

Item No.	 Item Code	Item Description	1 0		Unit Price Unit Price Unit Price	Item Total
36	710212 TO GRAD		I I IEA	2.01	1,500.00	3,000.00
37	The state of the s	ADJUST VALVE BOX ND COVER TO GRADE		4.01 1	500.00	2,000.0
38	730045 (GUTTER		I I ICY	93.0	600.00	55,800.0
39	730070 WARNING		 SQFT	200.01	75.00	15,000.0
40		MINOR CONCRETE D CONCRETE)	 13 SQFT	18,000.01 1	7.25	1,000,500.0
41		MINOR CONCRETE SIDEWALK AND CURB	I I	1,970.0 1	340.00	669,800.0
42		REMOVE CONCRETE ND GUTTER)	 LF	2,690.01	13.00	34,970.0
43		PRE/POST CTION SURVEYS	 EA	10.0	1,500.00	15,000.0
44 (F)	750001 IRON AN	MISCELLANEOUS D STEEL	 LB	376.0 	8.00	3,008.0
45	780230 (TYPE D	SURVEY MONUMENT	 - EA	91.0 	985.00	89,635.0
46)	800360 (TYPE C	CHAIN LINK FENCE L-6)	 LF	150.0	67.00 ALCORN 67.00	
1	803020 	REMOVE FENCE	 LF	170.0		2,720.0

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION Contract No.: 08-1E4604 Project ID: 0814000026

Bidder Name: Autobahn Construction Inc.

Bidder ID: VC0000006260

BID ITEM LIST

		в		EM LIST			
Item No.		Item Description	İ			Price 	Item Total
1	803100 FENCE 	RECONSTRUCT	 LF	32.0 	ALCORN	188.001 188.00	
49	810120 MARKER 	REMOVE PAVEMENT	 EA	2,990.0 		1.00 	2,990.00
50	810230 (RETRORE	PAVEMENT MARKER FLECTIVE)	l IEA	5,160.0		4.00 l	20,640.00
51	820250 SIGN	REMOVE ROADSIDE	 EA	12.0		150.00 150.00	1,800.00
52		REMOVE ROADSIDE RAP AND SADDLE METHOD)	 EA	27.0		75.001 1	2,025.00
53	820320 POST	REMOVE METAL	 EA	2.0		150.00	300.00
54	820510 SIGN (ON	RESET ROADSIDE E POST)	I I IEA	3.0		350.00	1,050.00
55	820610 ROADSIDE		 EA	2.0	1	900.00	1,800.0
	SHEET AL	FURNISH SINGLE UMINUM SIGN UNFRAMED)	1	660.0		13.00	8,580.0
		RETROREFLECTIVE (TYPE XI)		170.0		4.00	
58	· 820840 ONE POST		 EA	150.0	 	200.00	30,000.0
59	I (STRAP A	INSTALL SIGN IND SADDLE METHOD)	 EA	2.0	l 	150.00	1 300.0

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION Contract No.: 08-1E4604 Project ID: 0814000026

Bidder Name: Autobahn Construction Inc.

Bidder ID: VC0000006260

BID	TTTM	LIST
DID	LIEM	DIST

Item No.		Item Description			Price	Item Total
60(F)	833085 	PIPE HANDRAILING	37.0		224.00 274.00	
61	PAVEMENT	D WET NIGHT	12,000.0		4.00 	48,000.00
62	TRAFFIC	6" THERMOPLASTIC STRIPE (ENHANCED T VISIBILITY)	211,000.0		0.60	126,600.00
63	TRAFFIC	8" THERMOPLASTIC STRIPE (ENHANCED T VISIBILITY)		 	1.00	17,100.00
64			21,900.0	 	0.20	 4,380.00
65	846035 THERMOPL MARKING	ASTIC PAVEMENT	 4,260.0 SQFT	 	2.00	8,520.00
66	EXISTING	NT SYSTEM DURING	LUMP SUM LS LS LS	 LUMP 	SUM	 5,000.00
67		MODIFYING ELECTRICAL	l LUMP SUM	i LUMP	SUM	 1,263,000.00
68	1999990 .	MOBILIZATION	LUMP SUM	 LUMP	SUM	 600,000.00
T	otal Bid			1		\$7,203,276.00



FIXED COSTS

The following are the Fixed Costs for items that may be required based on our review of the special provisions in Section 26. The Fixed Costs for these services are as follows:

Item
Quality Control Plan

Fixed Cost \$900.00

Total

\$900.00

QUALITY CONTROL AGGREGATE - PRODUCTION COSTS (FIELD)

The following are our estimated per shift production costs for quality control testing of Aggregate Base, which were calculated using the scope of work and construction duration assumption. The production cost included a field compaction technician to perform the compaction testing of the aggregate base. The Production Costs for these services are as follows:

Item		Shift Cost	Number of	Total Cost
Quality Control - AB Compaction Testing		\$950.00	Shifts 5	\$4,750.00
Plf compaction testing required by OC	Subtotal			\$4,750.00

ADDITIONAL ESTIMATED COSTS

The following are our additional estimated costs for the required laboratory tests for Aggregate Subbase and Base. These laboratory tests will be tested in our laboratory. The Additional Estimated Costs are as follows:

Quantity	Unit	Unit Price	Total
. 1	EA	\$275.00	\$275.00
11	EA	\$100.00	\$1,100.00
. 11	EA	\$165.00	\$1,815.00
• 4	EA	\$295.00	\$1,180.00
1	EA	\$215.00	\$215.00
Subtotal			\$4,585.00
	1 11 11 4	1 EA 11 EA 11 EA 11 EA 1 EA	1 EA \$275.00 11 EA \$100.00 11 EA \$165.00 4 EA \$295.00 1 EA \$215.00

TOTAL:

\$10,235.00

08-1E4604 Rte74 Riverside AB SEMA Construction

Oct 25, 2018 Proposal No.: 18-1576-P

Page 2 of 3

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION Contract No.: 08-1E4604 Project ID: 0814000026 Bidder Name: Autobahn Construction Inc.

DES-OE-0102.2C (REV 03/2015)

Bidder ID: VC0000006260

Bidding Firm: Autobahn Construction Inc.

List this sub? Yes

7) Business Name Diversified Landscape Co.
Location City Wildomar State CA
California Contractor License Number 576183
Public Works Contractor Registration Number 1000009249
Portion of Work Subcontracted:

Item % 18,19,37 100

Description

List this sub? Yes

8) Business Name Calmex Engineering Inc.
Location City Bloomington State CA
California Contractor License Number 685964
Public Works Contractor Registration Number 1000005380
Portion of Work Subcontracted:

Item % '23-26 100 29 100

Description

Contractor's License Detail for License # 685964

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this nformation, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.

Per B&P 7071.17, only construction related civil judgments reported to the CSLB are disclosed.

Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.

Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

Business Information

OASIS WATER LOCATING & DRILLING P O BOX 1845 CARMEL VALLEY, CA 93924 Business Phone Number: (831) 659-9109

> Entity Sole Ownership Issue Date 03/24/1994 Expire Date 03/31/2020

License Status

This license is inactive and not able to contract at this time.

Additional Status

The license will need a contractors bond to renew active or reactivate.

Classifications

C57 - WELL DRILLING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with AMERICAN CONTRACTORS INDEMNITY COMPANY.

Bond Number: SC6010850 Bond Amount: \$12,500 Effective Date: 03/02/2009 Cancellation Date: 05/04/2014 Contractor's Bond History

Workers' Compensation

This license is exempt from having workers compensation insurance; they certified that they have no employees at this time.

Effective Date: 02/16/1994

Expire Date: None